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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,104	02/04/2000	Paul M Scpton	1001.1375101	8323
28075 7590 01/07/2009 CROMPTON, SEAGER & TUFTE, LLC 1221 NICOLLET AVENUE SUITE 800 MINNEAPOLIS, MN 55403-2420				
EXAMINER DESANTO, MATTHEW F				
ART UNIT		PAPER NUMBER		
3763				
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01/07/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09498104	2/4/00	SCOTTON, PAUL M	1001.1375101

## EXAMINER

MATTHEW F. DESANTO

ART UNIT	PAPER
3763	20090105

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Commissioner for Patents

## Supplement Examiner Answer

The examiner has read through the reply brief and feels that the interpretation that is given to the prior art in the 102 Rejections are still within the ordinary and customary meaning of the claim terms. The major difference is the examiner using the broadest reasonable interpretation for terms like "connected" and "fluidly communication". The examiner disagrees that one skilled in the art wouldn't interpret two structural elements coupled together to be "connected." With regards to Sirhan and claims 3 & 4 the examiner discusses his interpretation of the claims and prior art in the remarks section of the last examiner answer. With regards to claim 5, the guidewire lumen is sized to restrict fluid flow and the examiner interprets that Sirhan has a smaller distal guidewire lumen portion and thus would be sized to restrict fluid flow. With regards to Crittenden et al. the examiner disagrees that one skilled in the art wouldn't use the same interpretation of the prior art as the examiner since the examiner uses the plain and ordinary meaning of the prior art and used the broadest reasonable interpretation of the claimed invention. Applicant seems to be giving special meaning and using the specification to read limitations into the broadest interpretation of the claimed invention. According to the MPEP section 2111.01 paragraph I, only issued claims are given this type of claim interpretation, otherwise the PTO uses the broadest reasonable interpretation, which is done in this case by the examiner. With regards to Horzewski et al. the examiner is not convinced with the arguments set forth in the reply brief and appeal brief, which are very similar.

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